

REMARKS

Applicant respectfully requests entry of the following amendments and remarks contained herein in response to the Office Action mailed March 11, 2004. Applicant respectfully submits that the Amendment and remarks contained herein place the instant application in condition for allowance.

Claims 1-2 and 4-46 are pending in the present application, of which claims 1, 7, 13, 22, 28, 34, and 39 are independent claims. Applicant has amended claims 1, 7, 12, 28, 34, and 39. After entry of the amendments, Applicant believes that the pending claims is in condition for allowance.

In the Office Action dated March 11, 2004, claims 1-2 and 4-46 were rejected under 35 U.S.C 103(a) over U.S. Patent No. 5,479,411 to Klein ("Klein") in view of U.S. Patent No. 6,349,336 to Sit et al. ("Sit") in further view of U.S. Patent No. 6,052,442 to Cooper et al. ("Cooper"). Based on the following reasons, Applicant submits that claims 1-2 and 4-46 are patentable.

Applicant has amended claim 1 to recite that the email notification server is configured to call and leave the voicemail server and notify the subscriber of the voicemail message. The similar amendments are also made to independent claims 7, 28, 34, and 39.

Applicant believes that none of Klein, Sit, and Cooper teaches or suggests the "automatically polling" and/or "automatically notifying" features, as recited in the independent claims. Furthermore, none of Klein, Sit and Cooper teaches or suggests an email notification

server that is configured to call a voicemail server, leave a voicemail message in the voicemail server and notify the subscriber of the voicemail message, as recited in the independent claims.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P §2143. Without conceding the first and second criteria, Applicants submit that cited combination do not teach or suggest each and every elements of the claims.

Klein relates to an integrated voice-and-fax message system. In Klein, message system 1000 does not function like the email notification server of the present invention. That is, message system 1000 does not “poll” emails from an email server and “notify” a subscriber of a voicemail. As shown in Figure 2 and its related description in the specification, message system 1000 of Klein receives fax or voicemail from fax machine 30 or telephone 29 and stores received fax and/or voicemail and their respective pointers to storage 12. Message system 1000 can also receive a retrieval request from telephone 29 and fax machine 30 and, upon demand, presents message 600 as an integrated voice-and-fax message to the user. (See Col. 6, lines 21-24.) Accordingly, message system 1000 functions as an email server that can receive and store fax messages in addition to email messages. System 1000, however, fails to “automatically poll” emails from an email server (because system 1000 is the email server itself). Furthermore,

message system 1000 does not present voicemails or fax to a subscriber without receiving a request from the subscriber.

Sit relates to a method and system that enables a tunneling action to allow a remote processor to communicate with a local processor when the remote processor is coupled to the local processor via a reverse proxy device, a computer network, a firewall and a proxy agent device. The proxy agent device and the reverse proxy device work with the local processor and the remote processor, respectively, for exchanging messages between the local processor and the remote processor. Briefly speaking, in Sit, to establish a communication channel, the local processor has to issue an initial request to the remote processor so that the remote processor can be issue requests to the local processor.

However, Sit fails to teach or suggest an email notification server that is configured to call a voicemail server, leave a voicemail message in the voicemail server, and notify a subscriber of the voicemail message, as recited in claim 1 and similarly in other independent claims 7, 13, 22, 28, 34, and 39. As shown in Fig. 2 and col. 4, lines 51-55, CDMA 125 can periodically polls emails from email server 135. However, it is "email server" 135 that executes communication initiation command 140 when communication initiation request 165a is read from email server 135 by CDMA 125. In Sit, although CDMA 125 can periodically poll emails, it fails to call a voicemail server, leave a voicemail message in the voicemail server, and notify a subscriber of the voicemail message, as recited in the independent claims.

Cooper describes an answering machine that receives and records both voice and email messages. Periodically or at predetermined times, the answering machine may check for email

messages by calling a service provider. When the service provider answers the call, the answering machine logs in, downloads and stores at least a portion of email messages that have been received. A user can then check the email messages from the answering machine. In an alternative embodiment, the user can also check the email message through the service provider by calling the answering machine to retrieve the received email message.

Indeed, the purpose of Cooper is to merge voicemails received by the answering machine and emails received by a service provider into the answering machine or into the service provider. Accordingly, the answer machine of Cooper is not the email notification server that is configured to call a voicemail server, leave a voicemail message in the voicemail server, and notify a subscriber of the voicemail message, as recited in the independent claims.

In view of the above, none of Klein, Sit, and Cooper, when taken singly or in any combination thereof, teaches or suggests the email notification server that automatically polls emails from an email server and is configured to call a voicemail server, leave a voicemail message in the voicemail server, and notify a subscriber of the voicemail message, as recited in the independent claims. Accordingly, there would not have been obvious for one skilled in the art to combine the automatic polling features of Sit and Cooper into the system of Klein to achieve the present invention. Therefore, Applicant respectfully submits that independent claims 1, 7, 13, 22, 28, 34, and 39 are patentable over Klein in view of Sit and further in view of Cooper. Dependent claims 2, 4-6, 8-12, 14-21, 23-27, 29-33, and 35-38 are also deemed patentable at least due to their dependencies from patentable independent claims.

Serial No.: 09/604,965
Art Unit: 2655

Attorney's Docket No.: BS00-055
Page 19

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.

SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703-770-7577

Respectfully submitted,

KIRKPATRICK

Date: June 4, 2004

By:


Wan-Ching Y. Montfort

PCC/CYM/dkp